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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,960	11/18/2003	Theodore F. Emerson	200210195-1	5413

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/715,960	Applicant(s) EMERSON ET AL.	
	Examiner Jennifer T. Nguyen	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,14-26,28,29,31,32,35 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-26,28,29,31,32 and 35 is/are allowed.
- 6) ☒ Claim(s) 1-7,9,14-16,38 and 39 is/are rejected.
- 7) ☒ Claim(s) 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is responsive to request for continued examination filed on 08/15/07.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9, 14-16, 38, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Cook et al. (Pub. No.: US 2005/0007344).

Regarding claim 1, Cook teaches a method of remotely accessing a computer system (202) by a remote console (208) (figs. 2 and 3), comprising:

receiving, by an emulation device (i.e., a controller of the VPC 208) that emulates a Universal serial Bus (USB) human interface device, first pointer position data representing a position of a first pointing device (214) coupled to the remote console (208), the emulated USB human interface device representing a second pointing device (i.e., PC tablet) that is of a different type than the first pointing device; wherein the first pointer position data is received over a network (206) by the emulation device from the remote console [0008, 0019, 0033, 0035-0036]; and

generating, by the emulation device (208) that emulates the USB human interface device, second pointer position data representing a position of the second pointing device based on the received first pointer position data [0019].

Regarding claim 2, Cook teaches sending the second pointer position data to a software module in the computer system [0007].

Regarding claim 3, Cook teaches the emulated USB human interface device represents a USB tablet device, and generating the second pointer position data comprises generating pointer position data associated with the USB tablet device [0035-0036].

Regarding claims 4, and 5, Cook teaches the first pointing device comprises a mouse device, and wherein receiving the first pointer position data comprises receiving pointer position data representing a position of the mouse device [0033].

Regarding claim 6, Cook teaches receiving the first pointer position data comprises receiving absolute pointer position data [0035].

Regarding claims 7 and 9, Cook teaches the second pointer position data comprises generating absolute pointer position data [0035-0036].

Regarding claims 14 and 38, Cook teaches sending the second pointer position data from the emulated USB human interface device to a USB host controller [0035-0036].

Regarding claims 15 and 16, Cook teaches sending the second pointer position data onto a Peripheral Component Interconnect (PCI) bus (120) [0013-0014].

Regarding claim 39, Cook teaches the first pointer position data by the emulation device over an IP network (fig. 3).

4. Claim 37 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 17-26, 28, 29, 31-32, and 35 are allowed.

Response to Arguments

6. Applicants' arguments filed 08/15/2007, have been fully considered but they are not persuasive because as follows:

In response to Applicants' argument stated "Note that claim 1 recites receiving, by an emulation device...which is an impossibility." And "If the KMV device using a human interface descriptor, such as an PC tablet, is considered to be the emulation device...a first pointing device coupled to the remote console over a network.". Examiner respectfully disagrees. Cook teaches an emulation device (i.e., a controller of Virtual Presence Client 208, as shown the basic format where the VPA may be implemented, a central processor 102 of the computer system 100, fig. 1) receives a first pointer position data representing a position of a first pointing device (214) [0013, 0018, 0019]. Therefore, the ground of the rejection is therefore maintained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2629

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 703-305-3225. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer Nguyen
10/25/07



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2200